

03/08/99 16571 U.S. PTO

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I hereby certify that I have caused the documents indicated below to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR § 1.10 on the date indicated above and are addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 and mailed on the above Date of Mailing with the above "Express Mail" mailing label number

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03/08/99 16571 U.S. PTO

BOX PATENTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Attorney Docket Number:  
5494:33

RE: New Divisional Patent Application  
Applicant: Peter J. Foster and Bernard F. Bareis  
**INTELLIGENT CALL PROCESSING PLATFORM FOR HOME  
TELEPHONE SYSTEM**

Dear Sir:

Transmitted herewith for filing are the following:

- ☒ Rule 1.53(b) Divisional Application
- ☒ Copy of complete prior application (08/707,109) ✓
- ☒ Filing fee in the amount of \$470.00
- ☒ A self-addressed, stamped post card to be returned to sender.

Respectfully submitted,

HUGHES & LUCE

By:

*David H. Judson* Reg. No. 31,570  
*for David Judson*  
David H. Judson, Reg. No. 30,467

ATTORNEYS FOR APPLICANT

1717 Main Street, Suite 2800  
Dallas, Texas 75201  
(214) 939-5672

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.:	5494:33	§	Anticipated Classification
		§	of this Application
Prior Application:	08/707,109	§	
		§	Class: _____
Examiner:	Tsang, F.	§	
		§	
Art Unit	2742	§	

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

RULE 1.53(b) DIVISIONAL APPLICATION

Dear Sir:

- I. This is a request for filing under 37 C.F.R. § 1.53(b), for a
- ☒ Divisional
  - ☐ Continuation
  - ☐ Continuation-In-Part
  - ☒ of prior complete application Serial No. 08/707,109 filed on September 03, 1996.
  - ☐ Attached is a Preliminary Amendment to be entered in this application.

1. Title (as originally filed and as last amended) INTELLIGENT CALL  
PROCESSING PLATFORM FOR HOME TELEPHONE SYSTEM.

2. Name of applicant(s) (as originally filed and as last amended) and current  
 correspondence address of applicant(s).

Full Name of First Inventor: FOSTER, Peter J.  
 Citizenship: United States  
 Residence: Dallas, Texas  
 Post Office Address: 3925 Bryn Mawr  
 Dallas, Texas 75225

Full Name of Second Inventor: BAREIS, Bernard F.  
 Citizenship: United States  
 Residence: Dallas, Texas  
 Post Office Address: 6844 Shadybrook Lane, Apt. 2052  
 Dallas, Texas 75232

Enclosed is a copy of the prior application, including the Declaration and Power  
 of Attorney as originally filed. The undersigned hereby verifies that the attached papers  
 are a true copy of the prior application as originally filed.

## II. Inventorship Statement

(a) ☒ This application discloses and claims only subject matter  
 disclosed in the prior application whose particulars are set out above and the  
 inventor(s) in this application are

☒ the same as

☐ less than

those in the prior application and it is requested that the following  
 inventor(s) identified above for the prior application be deleted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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(b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application whose particulars are set out above the inventor(s) in this application are

- ☐ the same  
☐ add the following inventor(s):
- 
- 
- 

(c) The inventorship for all the claims in this application are

- ☒ the same  
☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

### III. Declaration or Oath

A. Continuation or divisional

- ☒ none required

B. Continuation-In-Part

- ☐ attached  
executed by (check all applicable items)  
☐ inventor(s).  
☐ legal representative of inventor(s) 37 C.F.R. § 1.42 or § 1.43.  
☐ joint inventor or person showing a proprietary interest for inventor who refused to sign or cannot be reached. 37 C.F.R. § 1.47;  
☐ This is the petition required by 37 C.F.R. § 1.47 and the statement required by 37 C.F.R. § 1.47 is also attached.  
(See item VII below for fee.)  
☐ not attached.

- ☐ Application is made by a person authorized under 37 C.F.R. § 1.41(c) on behalf of all of the above named applicant(s).
- ☐ Showing that the filing is authorized.

#### IV. Identification of Claims for Further Prosecution

- ☒ The fees to be charged are to be based on the number of claims remaining as a result of the
- ☐ attached Preliminary Amendment
- ☐ the unentered amendment filed under 37 C.F.R. § 1.116 in the prior application, which is now repeated
- ☒ the claims as on file in the prior application.

**V. Fee Calculation****Claims for Fee Calculation**

	Number Filed	Number Extra	Rate	Fee
Total Claims	30	10	\$9.00	\$90
Independent Claims	3	0	\$39.00	\$0
Basic Filing Fee				\$760.00
Multiple dependent claim(s), if any				

☐ The fee for extra claims is not being paid at this time.

Filing fee calculation

\$760.00

**VI. Small Entity Statement**

- ☐ A verified statement that this is a filing by a small entity is attached.
- ☒ The small entity statement was filed in the parent application Serial No. 08/707,109 on September 03, 1996 and this status is still proper and its benefit under 37 C.F.R. § 1.28(a) is hereby claimed.

Filing fee calculation	\$380.00
(50% of above)	

**VII. Fee Payment Being Made at This Time**

- |  |          |
|--|----------|
| <input type="checkbox"/> No filing fee is submitted.   |          |
| <input checked="" type="checkbox"/> Attached filing fee  | \$470.00 |
| <input type="checkbox"/> Recording assignment  |          |
| (\$7.00; 37 C.F.R. § 1.21(h)(i)).  | \$       |
| See item XIII below.   |          |
| <input type="checkbox"/> Petition fee for filing by other than all the inventors or by person not the inventor where inventor refused to sign or cannot be reached | \$       |
| <input type="checkbox"/> \$140.00; 37 C.F.R. §§ 1.47 and 1.17(h). processing and retention fee   | \$       |
| <input type="checkbox"/> \$100.00; 37 C.F.R. §§ 1.53(d) and 1.21(l).   |          |

**VIII. Method of Payment of Fees**

- |  |          |
|--|----------|
| <input checked="" type="checkbox"/> attached is a check in the amount of | \$470.00 |
| <input type="checkbox"/> charge account number                           |          |
| _____  |          |
| in the amount of   | \$       |
| <input type="checkbox"/> A duplicate of this request is attached.        |          |

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**IX. Authorization to Charge Additional Fees**

- ☐ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of this application to Account No. \_\_\_\_\_.
- ☐ 37 C.F.R. § 1.16 (filing fees)
- ☐ 37 C.F.R. § 1.16 (presentation of extra claims)
- ☐ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of this application)
- ☐ 37 C.F.R. § 1.17 (application processing fees)
- ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311 (b)).

**X. Instruction as to Overpayment**

- ☐ credit account no.
- ☐ refund

**XI. Priority - 35 U.S.C. § 119**

- ☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. § 119.
- ☐ The certified copy has been filed on \_\_\_\_\_ in prior U.S. application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_.
- ☐ certified copy will follow.

**XII. Relate Back - 35 U.S.C. § 120**

- ☒ Amend the specification by inserting the first line of the sentence:
- "This is a
- ☐ continuation
- ☒ divisional
- ☐ continuation-in-part



of co-pending application Serial No. 08/707,109 on  
September 03, 1996" (See XVII below).

### XIII. Assignment

- ☒ The prior application is assigned of record to:  
Voice Control Systems, Inc.  
14140 Midway Road, Suite 100  
Dallas, Texas 75244  
as recorded at Reel/Frame 7373/898 in the records of the U.S.  
Patent and Trademark Office.
- ☐ An assignment of the invention to \_\_\_\_\_ is attached.
- ☐ The prior application is unassigned.

### XIV. Power of Attorney

The power of attorney in the prior application is to: David H. Judson

- a. ☒ The power appears in the original papers in the prior  
application.
- b. ☐ The power does not appear in the original papers.
- c. ☐ A new power has been executed and is attached.
- d. ☒ Address all future communications to:  
David H. Judson  
Hughes & Luce, L.L.P.  
1717 Main Street, Suite 2800  
Dallas, Texas 75201  
Attn: Attorney Docket 9992:10

### XV. Maintenance of Copendency of Prior Application


- ☐ A petition, fee and response has been filed to extend the term in  
the pending prior application until \_\_\_\_\_.
- ☐ A copy of the petition for extension of time in the prior application is  
attached.

**XVI. Conditional Petitions for Extension of Time in Prior Application**

- ☐ A conditional petition for extension of time is being filed in the pending prior application.
- ☐ A copy of the conditional petition for extension of time

**XVII. Abandonment of Prior Application**

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application. At the same time please add the words "now abandoned" to the amendment to the specification set forth in XII above.

 Reg. No. 31,590  
for David Judson  
\_\_\_\_\_  
David H. Judson  
Reg. No. 30,467

HUGHES & LUCE, L.L.P.  
1717 Main Street, Suite 2800  
Dallas, Texas 75201  
214/939-5672

March 8, 1999

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